



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,303	10/27/2000	Jing Luo	17815.205469	6250

826 7590 05/03/2002

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
----------	--------------

1751

DATE MAILED: 05/03/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-6

Office Action SummaryApplication No.
09/699,303Applicant(s)
Luo et alExaminer
Charles BoyerArt Unit
1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 27, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 5

- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Art Unit: 1751

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jobbins et al, US 5,807,464.

Jobbins et al teach a deinking process for office wastepaper (see abstract). An example of such a process employs InkMaster 750, an ethoxylated/propoxylated fatty alcohol which overlaps the deinking surfactant of the present claims, in a pulp slurry with a pH adjusted to nine (col. 10, lines 13-40). Jobbins et al do not specifically teach a nonionic surfactant as a deinking agent with the precise numeric range of alkylene oxide adducts as presently claimed, however, such surfactants are encompassed and overlapped by the teachings of Jobbins et al as suitable surfactants for use in their invention. With respect to the fatty acid limitation of the present claims, the examiner notes this is an optional component only.

3. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irinatsu et al, US 6,103,056.

Application/Control Number: 09/699303

Art Unit: 1751

Irinatsu et al teach a deinking process (see abstract). An example of such a process employs stearyl alcohol with 15 moles of EO and 15 moles of PO as the deinking surfactant (col. 14, example 3). Another example employs stearyl alcohol with 10 moles of EO and 10 moles of PO as the deinking surfactant (col. 15, example 5). Suitable nonionic surfactants of the invention include alkylene oxide adducts of fatty alcohols wherein the number of alkoxy groups ranges from 7 to 150 moles with ethoxy and propoxy groups being the most preferred (col. 7, lines 1-4). Note that fatty acids are also taught as suitable deinking compounds by Irinatsu et al (col. 16, example 6). Irinatsu et al do not specifically teach a nonionic surfactant as a deinking agent with the precise numeric range of alkylene oxide adducts a presently claimed, however, such surfactants are encompassed and overlapped by the teachings of Irinatsu et al as suitable surfactants for use in their invention.

4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al, US 5,665,204.

Rodriguez et al teach a deinking process for printed wastepaper (see abstract). An example of such a process employs nonyl phenol with 14 moles of EO and 12 moles of PO as the deinking surfactant (col. 4, example 1). Suitable nonionic surfactants of the invention include alkylene oxide adducts of fatty alcohols wherein the number of ethoxy groups ranges from 2 to 100 moles and the number of propoxy groups ranges from 1 to 50 moles (see abstract). Rodriguez et al do not specifically teach a nonionic surfactant as a deinking agent with precise

Art Unit: 1751

range of alkylene oxide adducts as presently claimed, however, such surfactants are encompassed and overlapped by the teachings of Rodriguez et al as suitable surfactants for use in their invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 9:30 AM - 6:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 872-9310 for non-after-final amendments and (703) 872-9311 for after-final amendments.

----- Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661. -----

Charles Boyer



April 30, 2002